

REMARKS

Applicants' representative thanks the Examiner for the courtesies extended during the in-person interview of August 8th, 2007. During the Interview, the Examiner and Applicant's representative agreed that independent claim 66 is directed to allowable subject matter and hence the rejection of claims 66-82 be withdrawn. Applicants' representative agreed to cancel 83-172 to focus on the invention of claim 66 for this particular application. In addition, the Examiner and Applicant's representative discussed the merits of independent claim 66 in view of Carroll *et al.*, and reached consensus on the elements of independent claim 66. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

In response to a Notice of Noncompliance dated December 12, 2007, Claim 79 now indicates "Previously Presented" rather than "Currently Amended".

The Examiner previously rejected claims 66-82 under 35 USC § 102(e) as anticipated by the cited Carroll reference (US Patent No. 6,285,757). Examiner argues that, as related to claim 66, Carroll teaches a user characterization system executing remotely from a thin client wearable computer capable of modeling the current state. Examiner also argues that Carroll discloses state client modules to process values for state attributes, an intermediary module to facilitate exchange of state attribute values, and an intermediary module which can exchange the sensor information "between inward and outward."

Applicant is cancelling claims 83-172 without prejudice or disclaimer and therefore the Examiner's prior rejections with regards to these claims are moot. As a result, claims 66-82 are pending for examination with claim 66 being the only independent claim. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Carroll *et al.* does not disclose or suggest each and every limitation of applicants' claimed invention.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every*

limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 66-82 should be allowed because Carroll fails to teach each of the recited elements, in particular those aspects related to modeling and mediation of state attributes and values (as previously amended). Carroll discloses a relatively primitive wearable input/output device that determines characteristics concerning a user through various sensors, but Carroll does not disclose details with regard to claimed subject matter.

As per independent claim 66, the claimed invention discloses processing information received from an intermediate module. Carroll does not teach the action of processing received information through an intermediary. In particular, the Examiner's citation (column 7, lines 26-28) does not disclose or suggest an intermediary, nor processing in association with that intermediary.

Carroll also fails to teach or suggest communication by an intermediary; the cited reference (column 7, line 35) refers to inward and outward sensors reading from the body or the environment respectively, not the exchange of communication between them. The reference does not disclose or suggest detail with regard to how the sensors communicate data to the wearable computer, particularly without mention of an intermediary. Further, the Examiner citation regarding the transmission of sensory information does not imply the need for an intermediary (column 7, line 45). Sensor information can be received directly by the wearable device.

The Carroll reference also fails to teach or suggest the modeling of context values. The cited reference does not disclose a automatic model of context attributes; rather column 5, lines 40-42 refer to an enhanced viewing lens system using sensor data. These are not analogous systems. The claimed invention regards automatic modeling of values based on other values, a form of modeling also not disclosed by Carroll.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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